

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID KRAMER, Individually, and as the )  
President and Sole Owner of CERTIFIED )  
CAR SALES, LLC., a Missouri Limited )  
Liability Company, )

Plaintiff, )

v. )

Case No. 08 CV 2530

SHERIFF'S DEPUTY STEVEN STELTER;) )  
Individually and as a Deputy of the )  
DuPage County Sheriff's Office; JOHN P. )  
CREEDON, Individually and as Director )  
Of the Tri-County Auto Theft Unit; )  
MICHAEL J. COLANDO, deceased, )  
Individually and as a member of PUGI )  
KIA, LLC and as the President and sole )  
Owner of D & M AUTO SALES, INC.; )  
DOMINIC L. PUGLIANI, Individually, )  
and as a member of PUGI KIA, LLC; )  
LARRY M. HALL, Individually and as a )  
Manager of PUGI KIA, LLC; ANTHONY )  
J. COLANDO, Jr., Individually and as a )  
Manager of PUGI KIA, LLC; ANTHONY )  
J. COLANDO, Sr., not individually but as )  
named executor in his capacity as executor )  
of the estate of MICHAEL J. COLANDO, )  
*deceased*; DOMINIC MANCINI, )  
Individually and as an attorney; PUGI KIA, )  
LLC; D & M AUTO SALES, INC.; KIA )  
MOTORS AMERICA, INC.; )  
VW CREDIT, INC., )

Defendants. )

Judge Castillo

Magistrate Judge Keys

**OBJECTION TO PLAINTIFF'S MOTION TO RESCHEDULE**

Defendants DOMINIC PUGLIANI, LARRY HALL, DOMINIC MANCINI, and PUGI KIA, LLC by their attorneys, KELLY & KING, P.C., objects to Plaintiff's Motion to Reschedule for the following reasons.

1. At the July 22, 2008 hearing, this Court specifically discussed with the parties the very issue that Plaintiff now claims was not discussed, i.e., whether to allow Plaintiff time to file an Amended Complaint and then brief and decide Defendants' pending motions to dismiss, or to first brief and decide the pending motions.

2. Counsel for Pugliani, et al., argued that an amended complaint could not cure the res judicata defect and that if the motions to dismiss based on res judicata were successful, there would be no occasion to file an amended complaint.

3. This Court ruled that the parties should first brief the res judicata issue. This court entered and continued Plaintiff's motion for leave to amend the complaint generally and indicated that it would rule on the res judicata issue by mail.

WHEREFORE, Defendants, DOMINIC PUGLIANI, LARRY HALL, DOMINIC MANCINI, and PUGI KIA, LLC request that Plaintiff's motion to reschedule be denied, insofar as it requests that he be first allowed to amend his complaint prior to deciding the res judicata motions to dismiss.

Respectfully submitted,

s/ Paul E. Kelly

One of the Attorneys for Defendants  
DOMINIC PUGLIANI, LARRY HALL,  
DOMINIC MANCINI and  
PUGI KIA, LLC

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**PROOF OF SERVICE**

I, Paul E. Kelly, attorney for Defendants, Dominic Pugliani, Larry Hall, Dominic Mancini and Pugi Kia, LLC, certify that I have served a copy of the foregoing **OBJECTION TO PLAINTIFF'S MOTION TO RESCHEDULE** to:

Each attorney listed on the attached Service List

electronically on August 8, 2008 at or before 5:00 p.m.

s/ Paul E. Kelly

One of the Attorneys for Defendants  
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DOMINIC MANCINI and  
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**SERVICE LIST**

David Kramer, Individually and as the President and Sole Owner of Certified Car Sales, LLC, a Missouri Limited Liability Company v. Sheriff's Deputy Steven Stelter, Dominic Pugliani, Pugi Kia, LLC, Dominic Mancini, et al. - Court No. 08 CV 2530

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